

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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POINT 4 DATA CORPORATION	:	
and DYNAMIC CONCEPTS, INC.,	:	
	:	Civil Action No. 11 CV 0726 (CAB)(RLM)
Plaintiff,	:	
	:	
vs.	:	
	:	
TRI-STATE SURGICAL SUPPLY &	:	
EQUIPMENT, LTD., SJ COMPUTERS, INC.	:	
and SHMUEL JUDKOVITZ,	:	
	:	
Defendant.	:	
-----	X	
TRI-STATE SURGICAL SUPPLY &	:	
EQUIPMENT, LTD.,	:	
	:	
Counterclaim-Plaintiff,	:	
	:	
vs.	:	
	:	
POINT 4 DATA CORPORATION,	:	
	:	
Counterclaim-Defendant.	:	
-----	X	

NOTICE OF CROSS MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Response and Counterstatement of Undisputed Fact, the Declaration of Matthew J. Press, dated December 17, 2012, the Declaration of Don Burden, dated December 17, 2012, and Declaration of Douglas Chadwick, dated December 17, 2012, each with exhibits, Plaintiffs Point 4 Data Corporation and Dynamic Concepts, Inc., by and through their undersigned counsel, will move this Court before the Honorable Carol Bagely Amon, United States District Judge, at the United

States District Courthouse, located at 225 Cadman Plaza East, Brooklyn, New York, on a date and at a time to be set by the Court, for an order pursuant to FED. R. CIV. P. 56:

(1) denying Defendants' motion for summary judgment on Plaintiffs' claims for violations of the Digital Millennium Copyright Act ("DMCA"), breach of contract, unjust enrichment, and state and federal unfair competition;

(2) denying Defendants' motion for summary judgment on Defendants' affirmative defenses of laches, unclean hands, and failure to mitigate damages;

(3) granting Plaintiffs' cross-motion for summary judgment on Plaintiffs' claims for violations of the DMCA, breach of contract, and breach of the covenant of good faith and fair dealing;

(4) granting Plaintiffs' cross-motion for summary judgment on Defendants' counter-claims for breach of contract, breach of the implied covenant of good faith and fair dealing, fraudulent inducement, indemnification, and contribution; and

(5) granting further relief as the Court may deem just and proper.

Dated: New York, New York
December 17, 2012

Respectfully submitted,

PRESS LAW FIRM PLLC

By: /s/ Matthew J. Press
Matthew J. Press

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the following counsel of record on December 17, 2012, via Electronic Mail pursuant to the parties' agreement on service.

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/s/ Matthew J. Press